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REJECTION OVER A "PRIOR" PATENT AND PENDING APPLICATION**

Docket Number (Optional)

056209.52219D1

In re Application of: Shiro YAMAOKA et al

Application No.: 10/829,375

Filed: April 22, 2004

For: Control Apparatus and Control Method for Multi-Cylinder Engine

The owner*, **HITACHI, LTD.**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of pending application Serial No. **10/390,771** and/or prior Patent No. **6,354,264 B1** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent and pending application is/are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent and/or any patent issuing from said pending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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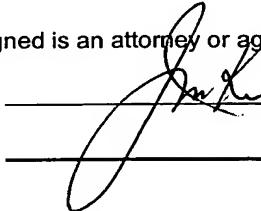
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- The undersigned is an attorney or agent of record. Reg. No. **25,406**



 Signature

March 22, 2005

Date

James F. McKeown

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202-624-2675

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